

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 65375

Joseph H. Rouse
8811 Flagstone Drive
Randallstown, MD 21133

5944 Johnnycake Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on August 12, 2009 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310, 312 failure to clear the property of trash, junk and debris; section 13-4-201 (b)(d), failure to properly store garbage in containers with tight fitting lids, failure to comply with previous correction notices regarding residential property zoned DR 5.5 known as 5944 Johnnycake Road, 21207.

On 2009, pursuant to Baltimore County Code §3-6-205, Inspector Ray Harmon issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The following persons appeared for the Hearing and testified: John Rouse, grandson of owner and Respondent and Ray Harmon, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. This Citation was issued on July 29, 2009. Pursuant to departmental policy, no prior Correction Notice was issued because a citation was issued for similar violations on January 20, 2009.

B. Photographs in the file show cans overflowing with bagged garbage. Photographs also show junk and debris, including old rugs, on the porch. This violates prohibitions against accumulation of junk, trash and debris on residential property, and against creation of rat harborage. Garbage must be properly stored in cans with tight fitting lids.

C. Respondent's grandson John Rouse appeared at this Hearing. He is a resident of the property with his four children. He testified that he has purchased two fifty gallon garbage cans and two forty gallon cans and that garbage is now being properly stored. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if re-inspection finds the property in compliance with code requirements.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if re-inspections within one month of this Order find the property in compliance with code requirements. If the Respondent fails to correct the violations, the civil penalty shall be imposed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 17th day of August 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

MZF/jaf